

*(CJ/fin USM SPW)*

# United States District Court

## District of Hawaii

AUG 04 2006

at 2 o'clock and 40 min *AM*  
SUE BEITIA, CLERK

UNITED STATES OF AMERICA

v.

**DARRICK PALENCIA**

(Defendant's Name)

**JUDGMENT IN A CRIMINAL CASE**

(For Revocation of Probation or Supervised Release)

(For Offenses committed on or after November 1, 1987)

Criminal Number: 1:CR01-00056-001USM Number: 88028-022Loretta A. Faymonville, *APD*

Defendant's Attorney

**THE DEFENDANT:**

admitted guilt to violation of General Condition and Special Condition No. 1 of the term of supervision.  
 was found in violation of condition(s) \_\_\_\_\_ after denial or guilt.

Violation NumberNature of Violation

<u>Date Violation Occurred</u>
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See next page.

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has not violated Violation Nos: 3, 4, 7, 9 as it relates to 5/18/2006 violation, and 11 and is discharged as to such violations.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 9655Defendant's Residence Address:  
**Ewa Beach, Hawaii 96706**Defendant's Mailing Address:  
**Ewa Beach, Hawaii 96706**

July 25, 2006

Date of Imposition of Sentence

Signature of Judicial Officer

**HELEN GILLMOR, Chief United States District Judge**  
Name & Title of Judicial Officer

*8-3-06*

Date

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## ADDITIONAL VIOLATION

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Concluded</u>
1	The subject admitted that he smoked methamphetamine on 12/15/2004.	
2	The subject consumed alcohol on 12/15/2004 while participating in a drug treatment program.	
5	The subject admitted that he smoked crystal methamphetamine on 1/25/2006.	
6	The subject's 2/9/2005 and 2/13/2005 urine specimens tested positive for methamphetamine and amphetamine.	
8	The subject's 4/11/2006 urine specimen tested positive for methamphetamine, and the offender admitted that he used methamphetamine for approximately 1 month between March 2006 and April 2006.	
9	The subject refused to participate in drug treatment on 7/4/2006 and 7/11/2006.	
10.	The subject refused to submit to drug testing on 7/13/2006.	

AO 245B (Rev. 12/03) Sheet 2 - Imprisonment

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**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 10 MONTHS.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district.  
 at \_\_\_ on \_\_\_.  
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:  
 before \_\_\_ on \_\_\_.  
 as notified by the United States Marshal.  
 as notified by the Probation or Pretrial Services Officer.

**RETURN**

I have executed this judgment as follows:

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Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

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UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

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## **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 26 MONTHS.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon (Check if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## **STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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**SPECIAL CONDITIONS OF SUPERVISION**

1. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
2. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
3. That the defendant serve up to 6 months community confinement, in a Residential Reentry Center such as Mahoney Hale, following release from imprisonment as arranged by the Probation Office. While serving the term of community confinement, the defendant shall obtain employment and/or enroll in an educational program as approved and directed by the Probation Office
4. The United States Probation Office has the power to decide as to where and with whom the defendant shall live so that the defendant is able to live a drug free life.